

TOXIC SUBSTANCES CONTROL ACT12-2-D. Administrative Enforcement: Signing Penalty  
Remittance Agreements and Remittance Orders

1. **AUTHORITY.** To sign agreements to remit all or part of a civil administrative penalty, as authorized by section 16(a)(2)(C) of the Toxic Substances Control Act, if conditions cited in the remittance agreement are met by the respondent; to sign an order remitting the penalty when the Agency is satisfied that the conditions have been met; and to sign an order not remitting the penalty and declaring that payment of the penalty is due, and collecting the required payment, when the Agency determines the conditions have not been met. The authority to remit penalties with conditions is contained in section 16(a)(2)(C) of TSCA.
2. **TO WHOM DELEGATED.** Chief, Air Enforcement Branch.
3. **LIMITATION.** Any official exercising any of these authorities must consult in advance with the assistant administrator for the Office of Enforcement and Compliance Assurance or designee unless the consultation requirement is waived by memorandum. This is to ensure that similar settlements are applied to similar violative situations.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may not be redelegated further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 16(a)(2)(C) of TSCA, which permits the Administrator to remit penalties with conditions, and "Toxic Substances Control Act Settlement with Conditions" (November 16, 1983), which gives criteria for the use of remittance agreements, a description of the format and contents of such agreements, and a summary of the procedures for using these agreements.

  
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Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division  
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Date